



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Alan H. Gnauck et al.) Group Art Unit: 2874
Serial No.: 09/875,032) Examiner: TBA
Filed: June 7, 2001) Atty. Docket No.: 3493.00174
For: MODULATION SCHEME FOR TEDONS) (IDS 2000-0561)

RESPONSE TO NOTICE TO FILE MISSING PARTS

Honorable Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Prior to examination on the merits, the applicant's representative has received the Office's Notice to File Missing Parts, filing date granted, issued June 7, 2001, a copy of which is enclosed, in which it is alleged that a filing fee, claims fee and missing signatures of three inventors are required.

Applicant respectfully disagrees. Applicant submits herewith copies of papers filed June 7, 2001, including a copy of the postcard receipt of the Office the fee transmittal form showing applicants' authorization to charge the filing fee to our deposit account. Also enclosed is the declaration with signatures of the remaining three inventors. Consequently, it is respectfully submitted that the Customer Service Center, after a proper review of the file, will note that fees were paid on June 7, 2001 with the application.

The Commission is authorized to charge \$280.00 dollars to our deposit account 19-0733 for the surcharge fee, Extension of Time and Assignment of Recordation fees that are due.

Should the Examiner have any questions prior to issuing a first Office Action, the Examiner is encouraged to contact the undersigned at the telephone number given.

Respectfully submitted,

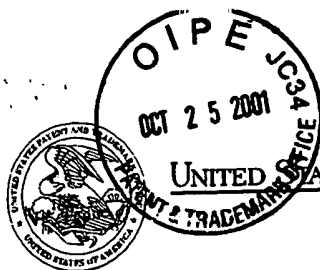
Banner & Witcoff, Ltd.
1001 G Street, N.W., 11th Floor
Washington, DC 20001-4597
(202) 508-9100

By: Catherine Ferguson

Catherine A. Ferguson
Registration No. 40,877

By the Hon. H. G. G. G.

Date: October 25, 2001



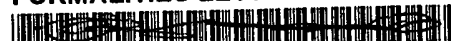
UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/875,032	06/07/2001	Alan H. Gnauck	03493.00174

CONFIRMATION NO. 6060

FORMALITIES LETTER



OC00000006382032

28317
BANNER & WITCOFF LTD.,
ATTORNEYS FOR AT & T CORP
1001 G STREET, N.W.
ELEVENTH STREET
WASHINGTON, DC 20001-4597

Date Mailed: 08/03/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

11/20/2001 TV0111 00000002 190733 09875032

FILED UNDER 37 CFR 1.53(b)

01 FC:101 710.00 CH
02 FC:102 1120.00 CH
03 FC:103 198.00 CH

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$1318.
 - \$198 for 11 total claims over 20.
 - \$1120 for 14 independent claims over 3 .
- The signature of the following inventor(s) is missing from the oath or declaration:
Alan H. Gnauck, Mark Shtaif, Jay Wiesenfeld
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 2158.

*A copy of this notice **MUST** be returned with the reply.*

Wei Wen Ma
Customer Service Center
Initial Patent Examination Division (703) 308-1202

10/26/2001 AADDF01 00000020 190733 09875032
PART 2 - COPY TO BE RETURNED WITH RESPONSE

01 FC:105 130.00 CH
02 FC:115 110.00 CH

FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 2068

Complete if Known

Application Number TBA
Filing Date Herewith
First Named Inventor Alan H. Gnauck
Examiner Name TBA
Group / Art Unit TBA
Attorney Docket No. 03493.00174

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit
Account
Number

19-0733

Deposit
Account
Name

Banner & Witcoff, Ltd.

☒ Charge Any Additional Fee Required
Under 37 CFR 1.16 and 1.17
☐ Applicant claims small entity status.
See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money
Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	710
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1)

(\$ 710)

2. EXTRA CLAIM FEES

Total Claims	31	-20**	=	11	X	18	=	198
Independent Claims	17	-3**	=	14	X	80	=	1120
Multiple Dependent					X		=	0

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$ 1318)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	130	123	130	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	40
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 40)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)

Thomas H. Jackson

Registration No. Attorney/Agent)

29,808

Telephone

(202) 508-9119

Signature

Thomas H. Jackson

Date

June 7, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

FEE TRANSMITTAL
for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 280

Complete if Known

Application Number	09/875,032
Filing Date	June 7, 2001
First Named Inventor	Alan H. Gnauck et al.
Examiner Name	TBA
Group / Art Unit	2874
Attorney Docket No.	003493.00174

METHOD OF PAYMENT (check one)

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

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19-0733

Deposit
Account
Name

Banner & Witcoff, LTD

- ☒
- Charge Any Additional Fee Required
-
- Under 37 CFR 1.16 and 1.17
-
- ☐
- Applicant claims small entity status.
-
- See 37 CFR 1.27

- 2.
- ☐
- Payment Enclosed:

☐ Check ☐ Credit card ☐ Money
Order ☐ Other
FEE CALCULATION**1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1)

(\$) 0

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
20 **	0	18	0
Independent Claims	3 **	84	0
Multiple Dependent			0

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$) 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	130
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
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115	110	215	55	Extension for reply within first month	110
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
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128	1,960	228	980	Extension for reply within fifth month	
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141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17 (q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	40
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

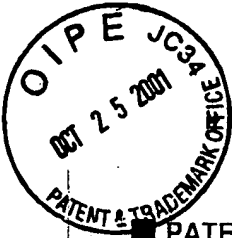
(\$) 280

SUBMITTED BY**Complete (if applicable)**

Name (Print/Type)	Catherine A. Ferguson	Registration No. Attorney/Agent)	40,877	Telephone	(202) 508-9100
Signature	<i>Catherine Ferguson</i>			Date	October 25, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

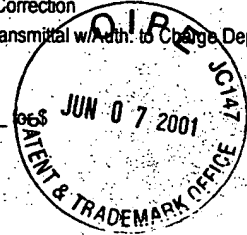
Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



☒ PATENT ☐ DESIGN B&W Ref. 3493.00174 Date 6/7/01
☐ HAND CARRY Group/Section _____ Bldg _____ Rm. _____
Serial/Patent No. TBA Atty/Sec. TNJ/CAF/mmd
Inventor Alan H. Gnauck et al. Client AT&T
Title Modulation Scheme For Tcdms

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

- ☒ 17 total pp Spec., including : # of Claims
(# of independent claims 17); ☒ Abstract
- ☒ Drawings : ☐ Formal ☐ Informal
of distinct sheets 1 : Figs. 1
- ☒ Declaration/Power of Attorney : ☒ Executed ☐ Unexecuted
- ☒ Assignment w/PTO Cover Sheet
- ☐ IDS w/PTO 1449 ☐ References ☐ w/Fee
- ☐ Preliminary Amendment
- ☒ Priority Claim (Foreign or U.S. Provisional B&W # _____)
- Country _____ Appl. # 60/263,540 Date 1/23/01
- ☐ w/Foreign Priority Document(s)
- ☐ Application : ☐ CIP ☐ Continuation ☐ Divisional
Parent Ser. No. _____ B&W# _____
- ☐ U.S. Provisional _____ pp Spec/Claims; Cover Sheet
- ☐ Response to Missing Parts/Requirements dtd _____
- ☐ Response to Notice to File Corrected Appln. Papers dtd _____
- ☐ Request for Expedited Foreign Filing License
- ☐ Request for Corrected : ☐ Filing Receipt ☐ Assignment
- ☐ Response to Restriction/Election Requirement
- ☐ Sequence Listing : ☐ Diskette ☐ Paper
- ☐ Amendment ☐ Response : OA dtd _____
- ☐ Petition for Extension of Time until _____
- ☐ CPA ☐ RCE ☐ w/Ext of Time : OA dtd _____
- ☐ Request for Approval of Drawing Changes
- ☐ Notice of Appeal & Fee
- ☐ Brief : ☐ Appeal & Fee ☐ Reply
- ☐ Request for Oral Hearing
- ☐ Issue Fee ☐ Advance Patent Copies (# ordered _____)
Notice of Allowance dtd _____
- ☐ Amendment under 37 CFR 1.312
- ☐ Request for Certificate of Correction
- ☒ Transmittal ☒ Fee Transmittal w/Adm. to Charge Deposit Acct.
- ☐ Certificate of Mailing
- ☐ Check # _____



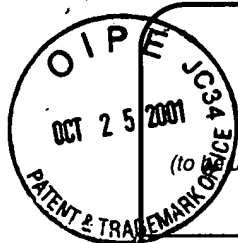
Please type a plus sign (+) inside this box → ☒

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/875,032
Filing Date	June 7, 2001
First Named Inventor	Alan H. Gnauck et al.
Group Art Unit	TBA
Examiner Name	2874
Attorney Docket Number	003493.00174

Total Number of Pages in This Submission 33

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Declaration; Recordation of Assignment Cover Sheet; Response to Notice to File Missing Parts; copy of Post Card filed 6/7/01; and Fee Transmittal Form filed 6/7/01		
<table border="1"><tr><td>Remarks</td><td></td></tr></table>			Remarks	
Remarks				

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Catherine A. Ferguson, Reg. No. 40,877
Signature	<i>Catherine A. Ferguson</i>
Date	October 25, 2001

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: <input type="text"/>			
Typed or printed name			
Signature		Date	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.